

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LYNN T. PASLEY,

Plaintiff,

Case No. 1:07-cv-583

v.

Hon. Janet T. Neff

UNKNOWN OLIVER,

Defendant.

_____/

ORDER APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed August 18, 2009, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that defendant's Motion for Summary Judgment (Dkt. #31) is **GRANTED** and plaintiff's complaint is **DISMISSED** for the reason(s) stated in the Report and Recommendation.

IT IS FURTHER ORDERED that upon review of Plaintiff's claims, this Court can discern no good-faith basis for an appeal and so certifies in accordance with *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

IT IS FURTHER ORDERED that should plaintiff appeal this decision, the court will access the \$455 appellate filing fee pursuant to § 1915(b)(1), *see McGore*, 114 F.3d at 610-11, unless plaintiff is barred from proceeding *in forma pauperis*, e.g., by the "three-strikes" rule of § 1915(g). If he is barred, he will be required to pay the \$455 appellate filing fee in one lump sum.

Dated: September 18, 2009

/s/Janet T. Neff

JANET T. NEFF

UNITED STATES DISTRICT JUDGE